Rec'd 11-19-02

Patent Docket P0709P1D3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Paul J. Carter et al. Serial No.: 09/705,686 Filed: November 2, 2000 For: METHOD FOR MAKING HUMANIZED ANTIBODIES	Group Art Unit: 1642 Examiner: L. Helms Certificate of Facsimile Transmission Under 37 CFR § 1.8 In accordance with CFR § 1.8(d), this correspondence addressed to The Patent and Trademark Office, Washington, DC 20231 is being transmitted to facsimile No. (703) 308-4242. November 19, 2002 Wendy M. Lee

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

#8 EV 1-3-03

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Your petitioner, Genentech, Inc., having a place of business at 1 DNA Way, South San Francisco, California 94080-4990 in the county of San Mateo has reviewed the evidentiary documents set forth hereinbelow and certifies to the best of Genentech's knowledge and belief that title in and to the herein application and in the referenced U.S. Patent No. 6,407,213 reside in Genentech, Inc.

Your petitioner, Genentech, Inc., represents that it is the owner of the entire right, title, and interest in and to application U.S. Serial No. 09/705,686, filed November 2, 2000, by virtue of an assignment recorded on June 28, 1994 at Reel 7035, Frame 0272, and is also the owner of the entire right, title and interest in and to U.S. Patent No. 6,407,213, filed June 15, 1992 and issued June 18, 2002, by virtue of an assignment recorded on June 28, 1994 at Reel 7035, Frame 0272.

Your petitioner hereby disclaims the terminal part of any patent granted on the herein application Serial No. 09/705,686 that would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of said Patent No. 6,407,213, and hereby agrees that any patent so granted on the herein application 09/705,686 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No.6,407,213, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,407,213

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in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above. Petitioner reserves the right to extend the shortened term of any patent granted on the above-identified application due to regulatory delays pursuant to 35 U.S.C. §156.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is authorized to charge the statutory fee of $110 required for filing this Disclaimer to Deposit Account No. 07-0630. Please charge any deficiency or credit any overpayment to Account 07-0630. A duplicate of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

Date: 11/19/02

By: _____

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